



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

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Dear (b) (6)

This is in response to your letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Branch (FTB), in which you presented questions regarding the legality of the possession and intended use of "solvent trap" adapters and the assembly of firearm silencers.

As you are aware, the amended Gun Control Act of 1968 (GCA), 18 U.S.C. 921(a)(3), defines a **firearm** to include any firearm muffler or firearm silencer. The GCA, 18 U.S.C. 921(a)(24), further defines "**firearm silencer**" and "**firearm muffler**" to mean *any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication*. The National Firearms Act (NFA), 26 U.S.C. 5845(a)(7), also defines the term "**firearm**" to include a silencer.

As for background, you state that this combination of five items' intended use is for assembling a "solvent trap utilizing a D-cell Mag-Lite flashlight body; which you state; is not sold as a part of the subject solvent trap kit.

The subject kit as described by you; includes the following:

1. A thread adapter which is internally threaded for attaching to the barrel of a portable firearm; and externally threaded to attach to the rear portion of a D-cell Mag-Lite brand flashlight body.

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2. A "sealed end-cap"; designed to attach to the forward end of the Mag-Lite body and collect and prevent cleaning fluids from exiting the cleaning device.
3. An automotive freeze-plug.
4. A "centering jig" used to index a center-hole in the freeze-plug for the machining of a 1/8 inch in diameter hole.

Presented below, paraphrased and italicized, are your questions from your letter, followed by FTB's answers:

Question 1: *Can you confirm that these items; as depicted in my photos, are in fact a "solvent trap" and not a "firearm silencer"; an NFA item?*

Answer 1: No. Our Branch does not make formal classifications based on photographs, diagrams or drawings. If an item is possessed and only intended to be used in assembling or fabricating a firearm silencer, that item, in of its self would be properly classified as a "firearm silencer."

Further, if the depicted combination of items are items intended to be used to assemble a "firearm silencer", these items, at that point, would be *a combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler*; thus these depicted items would be properly classified as a "firearm silencer" a device that is within the purview of the NFA.

Q2: *Is the subject vender selling and transferring illegal firearm silencer(s)?*

A2: If an item(s) is possessed with the intent to be used in assembling or fabricating a firearm silencer, it comes within the purview of the NFA and is properly classified as a "firearm silencer."

Q3: *Can I legally possess the items depicted in the enclosed photographs?*

A3. Individuals desiring to manufacture a firearm subject to NFA provisions (machineguns excepted) must first submit and secure approval of an ATF Form 1, Application to Make and Register a Firearm, and pay the applicable \$200 making tax. With regard to the marking of NFA firearms, if you are making an firearm silencer for personal use you would, in fact, be "the maker" of the device: regulation 479.102 thus requires that your identification (name, city, and State) must be marked on the firearm silencer. Also, you must place the markings in a manner which is not susceptible of being readily obliterated, altered, or removed and, further, must ensure that they meet a minimum depth requirement of .003 inch.


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Certain commercially available items such as cleaning solvent traps, automotive oil/fuel filters, flashlights, bottles, rubber washers, copper pads, and steel wool may be used to assemble firearm silencers. Such items are unregulated until a possessor assembles, accumulates, or otherwise demonstrates these articles are used for making a firearm silencer. Once such an item(s) is possessed with the intent to use in assembling or repairing a firearm silencer, it comes within the purview of the NFA and is properly classified as a "firearm silencer."

We trust the foregoing has been responsive to your concerns. If FTB can be of any technical further assistance, please contact us.

Sincerely yours,


Earl Griffith
Chief, Firearms Technology Branch